

and loop fastening means [of a Velcro fastener].

REMARKS

The Examiner's rejection of claim 5 under 35 U.S.C. §112, second paragraph, for being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as this rejection may be attempted to be applied to the amended claims, is respectfully traversed.

In support of this traverse, applicant states that claim 5 has been amended to remove the trademark, VELCRO from the claim.

The Examiner's rejection of claims 1 and 6 under 35 U.S.C. §102(b) for being anticipated by the Moore U.S. Patent No. 3,831,467, as this rejection may be attempted to be applied to the amended claims, is respectfully traversed.

In support of this traverse, applicant first points out that claim 1 has been amended to call for:

--the covering section to include a padding for the calf (9) only with the covering section urging the padding toward the calf only and not toward the knee.

Such structure is not at all disclosed in Moore. All that Moore discloses a knee brace for immobilization of the knee. There are provided a couple of straps 28 and rigid stays 36, and a planar base sheet of flexible resilient material. Column 2, lines 35-37 reads:

"Due to the natural bodes cavity in the back of the knee, the stiffeners (36) will be spaced from the leg in the popliteal region."

To solve this problem, Moore proposes a resilient pad 42 placed in the popliteal region (see Column 2), lines 38-55).

According to the present invention, there is provided a padding which pushes on the calf and exerts a forward directed force onto it.

This solution is directed to another problem than to the problem which Moore wants to solve. The medical background described in the specification explains the problem to be solved. Moore does not solve the problem of the dead weight of the leg pulling the calf into the posterior drawer. As is shown in FIG. 2, the padding 9 is clearly below knee 14.

The Examiner's rejection of claim 5 under 35 U.S.C. §103(a) for being

unpatentable over Moore in view of the Wang U.S. Patent No. 5,282,483, as this rejection may be attempted to be applied to the amended claims, is respectfully traversed.

In support of this traverse, while Wang may teach the use of hook and loop fastening means sold under the trademark VELCRO in a splint, neither Moore or Wang teach applicant's splint.

Claims 2-4 indicated as having allowable subject matter, have been rewritten into independent form and as so rewritten are considered to be in condition for allowance.

In summary, applicant submits that upon entry of the above amendments to the specification and claims, and reconsideration of the claims as amended in conjunction with the above remarks, it will be clear that the application is now in condition for allowance. An early and favorable action to that end is requested.

Respectfully submitted,

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